

CONGRESSIONAL RECORD SUMMARY

Wednesday, September 19, 2001

SENATE

Measures Introduced:

S. 1435. *A bill to provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes; to the Committee on the Judiciary.*

Wyden

Page S 9504

S. 1437. *A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.*

"... The bill that I am introducing today, along with Senators Hatch and Wyden, will modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. [] The **Federal courts** responded negatively to the Department's position. In general, the Department was unable to persuade the courts of the efficacy of the Attorney General's policy statement. [] Of more immediate urgency, the McDade law seriously threatens to impede the terrorism investigation into the events of September 11, 2001. In this widespread, international investigation, the McDade law will subject Justice Department attorneys to multiple and different attorney conduct rules, either because the attorneys working on or supervising the investigation are admitted to practice in more than one state, or because they are seeking assistance through court processes, search warrants; material witness warrants; criminal complaints; and grand jury subpoenas, in more than one Federal district court, each of which adopts its own set of attorney conduct rules. How are Justice Department attorneys meant to resolve conflicts in those rules in a manner that is reliable without unduly delaying this critical investigation? There can no longer be any serious doubt about the need for corrective legislation. We cannot afford to wait until the McDade law impedes the investigation into last Tuesday's attacks before taking action..."

Leahy

Pages S 9504, S 9509-12

See Page S 9511: SUMMARY OF THE "PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001."

II. JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS.

"The second part of the bill directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules..."

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002." (Senate Report No. 107-65)

S. 952, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Pages S 9504, D 906

Measures Passed:

Treasury, Postal Service, and General Government Appropriations: *Committee on Appropriations was discharged from further consideration of H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and the Senate then passed the bill, after taking action on the following amendments proposed thereto:*

Pages S 9470-7, S 9485-6, S 9489-90,
S 9491-7, D 906

Measures Passed (Cont'd.):

*"... We fully fund the request for the Office of National Drug Control Policy Youth Antidrug Media Campaign. We add \$20 million to the High Intensity Drug Trafficking Area Program. That has a total of \$226 million. We add \$10 million to the Drug-Free Communities Act, which is a total of \$50.6 million. **We fund the courthouse projects that were requested by the President, and we provide funds for an additional six courthouses to continue addressing the significant backlog in courthouse funding in this country.** The projects we have funded fully adhere to the priority list that was developed by OMB, GSA, and the Administrative Offices of the Court. In other words, we have not pulled projects out because someone wanted them. We actually followed the priority list, which we should do. We maintain current law requiring the provision of contraceptive coverage in the Federal Employees Health Benefits Plan. We make permanent the ongoing project allowing Federal agencies to provide child care services for its lower paid employees, and we provide a 4.6- percent pay raise for Federal civilian employees to maintain pay parity between Federal, civilian, and military employees..." (Dorgan, page S 9474)*

*"...It increases funding to the High-Intensity Drug Trafficking Areas program, the HIDTA program, by \$20 million, which supports programs at their current level. It coordinates Federal, State, and local efforts to combat drug use. It recommends a total of \$185 million to the national antidrug media campaign and requires \$5 million be spent on the new drug of choice of too many young teenagers called Ecstasy. [] Title IV provides funding for the independent agencies...Also included in the title are the mandatory accounts to provide for Federal annuities, retiree health benefits, and life insurance. The committee recommends a total of \$16.6 billion for this title. **The administration requested funding for 12 courthouse construction projects. As Senator Dorgan mentioned, we have been able to increase that number of projects to 20. We have provided funding for 12 additional projects such as border stations. In addition, we have continued an aggressive effort to make sure the Federal Government real estate is maintained properly, by providing \$844.8 million for the GSA repairs and alterations account for Federal buildings that are in deterioration...**" (Campbell, page S 9476)*

See Pages S 9514-47: Amendments Proposed And Submitted.

Adopted:

Dorgan/Campbell Amendment No. 1570, in the nature of a substitute.

Pages S 9477, D 906

Dorgan/Campbell Amendment No. 1575, to make certain technical corrections and further improvements to the bill.

Pages S 9489-90, D 906

McConnell/Burns Amendment No. 1573, to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center.

Pages S 9485-86, S 9493, D 906

Dorgan (for Johnson) Modified Amendment No. 1574, to authorize the Secretary of the Treasury to issue Unity Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center.

Pages S 9487-8, S 9493, D 906

Dorgan (for Hollings) Amendment No. 1579, designating the Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina as the "G. Ross Anderson, Jr. Federal Building and United States Courthouse."

Pages S 9493, D 906

Dorgan (for Hatch) Amendment No. 1584, to designate the State of Utah as a High Intensity Drug Trafficking Area.

Pages S 9495, D 906

Measures Passed (Cont'd.):

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was

authorized to appoint the following conferees on the part of the Senate: Senators Dorgan, Mikulski, Landrieu, Reed, Byrd, Campbell, Shelby, DeWine, and Stevens.

Pages S 9497, D 906-7

Nominations--Agreement:

A unanimous-consent-time agreement was reached providing for consideration of the nominations of Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, and Reggie B. Walton, to be United States District Judge for the District of Columbia, at 9 a.m., on Friday, September 21, 2001, with a vote on confirmation on the nominations to occur thereon.

Page D 907

Nomination Confirmed:

Senate confirmed the following nomination:

Robert C. Bonner, of California, to be Commissioner of Customs. (Prior to this action, Committee on Finance was discharged from further consideration.)

Pages S 9548, D 907

Nominations Received:

Senate received the following nominations:

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

Pages S 9549, D 907

Executive Communication:

EC-3943. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, *transmitting, pursuant to law, the report of a rule entitled "Custody Procedures" (RIN1115-AG40)* received on September 18, 2001; to the Committee on the Judiciary.

Page S 9503

Committee Meetings For Thursday, September 20, 2001:

Committee on Appropriations: @ 2:00 p.m. Subcommittee on Transportation to examine aviation security issues. SD-106.

Committee on the Judiciary: @ 10:30 a.m. *To hold hearings to examine certain pending nominations.* SD-226.

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Committee Meetings Scheduled:

Committee on Health, Education, Labor, and Pensions, 9/25/01 @ 10:00 a.m. Public Health Subcommittee to hold hearings to examine environmental health issues. SD-430.

Remarks:

How To Address The Threat That Confronts Us Today. (Commerce, Justice, State & the Judiciary Appropriations Discussed)

"...We have proposed in the Commerce-State-Justice bill it be divided for the purposes of domestic terrorist acts--no military but domestic terrorist acts--into two areas. In the Justice Department, appointment of a Deputy Attorney General of Terrorism, with a cross-jurisdiction responsibility. Unless you have budget authority for this individual, there is no point in having such an individual. The Justice Department for crisis management, the Federal Emergency Management Administration for consequence administration, they would essentially be coordinators of the issue of how we handle domestic terrorist events here in the United States. They would function as coequals, and would be sequential, however, in their response to an event..."

Gregg

Pages S 9468-9

Colorado Federal Judicial Nominees.

"...I come to the floor today to speak about an issue of great importance to the State of Colorado. This is the nomination and confirmation of Federal judges. [] The 10th circuit seat became vacant in October of 1999--nearly 2 years ago. One of the district court seats became vacant in April of 1998--over 3 years ago. The other seat became vacant in May of this year. Recently, I researched some of the history of appointments to the 10th circuit and one of the things that really jumps out is how quickly Federal judicial vacancies were filled in the past in Colorado. It was unusual for a seat to remain vacant for a long period of time. I hope we can get back to this tradition. The Senate should carefully review all nominees, I have taken this responsibility very seriously as a Senator. But when we get qualified candidates that are not controversial, we should confirm them in a timely manner..."

Allard

Pages S 9469-70

The Senate And The Constitution.

Byrd

Pages S 9481-5

The Agenda Of The Senate.

*"... The Attorney General made a recommendation the other day that I know will be controversial, and yet I do not think we have much choice in this matter. He talked about the circumstance that now exists when you get a wiretap order from the **Federal court** that allows you to wiretap only with respect to one telephone instrument the conversations of a suspected terrorist. It seems to me, as the Attorney General has suggested, that if you have someone who is a suspected terrorist, and you have been able to make that case to a **Federal court** and are able to get a **Federal court** order, it ought not just apply to one telephone, it ought to apply to the phone calls made by that suspected terrorist from whatever telephone that suspected terrorist uses. That is an example of the kind of policy changes we are going to have to consider, some of which will be controversial, but we do not have much choice if we are going to protect this country..."*

Dorgan

Pages S 9488-90

Remarks (Cont'd.):

The Nomination Of Robert Bonner.

"...He [Bonner] is more than eminently qualified. I cannot think of a more qualified person. He has been a Federal district judge. He has been the head of the DEA. He has an extensive background and experience for the job..."

HOUSE

Report Filed:

Report was filed today as follows:

H.R. 2541, to *enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection* of domestic Department of State occupied facilities referred sequentially to the House Committee on the Judiciary for a period ending not later than Oct. 12, 2001 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (House Report 107-206, Pt. 1).

Pages H 5736, D 908

Consideration of Suspensions:

Agreed that it be in order to consider motions to suspend the rules relating to the following measures on the legislative day of Thursday, September 20, 2001: H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act; and H.R. 2657, District of Columbia Family Court Act.

Pages H 5734, D 908

Committee Meeting:

Committee on Transportation and Infrastructure: Held a hearing on the following: **H.R. 2891**, to preserve the continued viability of the United States air transportation system; and on the financial condition of the airline industry in the aftermath of the events which occurred on September 11, 2001.

Pages D 908-9

Committee Meetings For Thursday, September 20, 2001:

Committee on Appropriations, @ 9:30 a.m. To consider the following: Revised Suballocation of Budget Allocations for Fiscal Year 2002; the Military Constructions Appropriations for Fiscal Year 2002; and the District of Columbia Appropriations for Fiscal Year 2002. 2359 Rayburn.

Committee on Government Reform, @ 10:00 a.m. Hearing on "Preparing for the War on Terrorism." 2154 Rayburn.

Committee on Transportation and Infrastructure, @ 2:00 p.m. *Subcommittee on Economic Development, Public Buildings and Emergency Management*, to mark up the following: **H.R. 525, Preparedness Against Domestic Terrorism Act of 2001; GSA Fiscal Year 2002 Capital Investment and Leasing Program--Remaining Prospectuses; and other pending business.** 2253 Rayburn.

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Joint Committee Meeting For Thursday, September 20, 2001:

Senate Committee on Appropriations, @ 2:00 p.m. Subcommittee on Transportation, to hold joint hearings with the House Appropriations' Subcommittee on Transportation to examine aviation security issues. SD-106.

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Next SENATE MEETING: Thursday, 8:30 p.m., September 20, 2001.
Next HOUSE MEETING: Thursday, 10:00 a.m., September 20, 2001.

OLA: S. Schwarz (Smith), J. Homanich